

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
Richard Cressman : Case No.: **18-10217**
Debtor(s). : Chapter 13
Debtor(s). : Judge Ashely M. Chan
Debtor(s). : * * * * *

OBJECTION TO DEBTOR'S CHAPTER 13 PLAN

Now comes Wells Fargo Bank, N.A. S/B/M Wachovia Bank, National Association ("Creditor") by and through its attorneys, Manley Deas Kochalski LLC, and files this Objection to Debtor's Chapter 13 Plan, averring as follows:

1. Creditor is a creditor herein secured by a first mortgage lien upon the Debtor's real estate located at 1400 Fels Road, Quakertown, PA 18951.
2. Debtor's Chapter 13 Plan proposes to treat Creditor's arrearage claim, estimated at approximately \$53,969.66, through a loan modification. However there is currently no approved or pending loan modification agreement between Debtor and Creditor.
3. Creditor requests that the Plan be amended to provide for Creditor's arrears claim until such time as a permanent loan modification agreement is reached. Debtor's proposed alternative of filing an Amended Plan after June 30, 2018 is excessive and overly speculative.
4. Creditor objects to said treatment and asserts that, as of the petition date herein, Creditor's claim was fully secured by value in the real estate. Accordingly, § 1322(b)(2) of the Bankruptcy Code and the United States Supreme Court's holding in Nobleman v. American Savings Bank (In re: Nobleman), 508 U.S. 324 (1993) prohibit the Debtor's proposed modification of Creditor's mortgage.

WHEREFORE, Creditor respectfully requests the Court to deny confirmation of the Debtor's proposed Chapter 13 Plan.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)
Kimberly A. Bonner (89705)
Adam B. Hall (323867)
Sarah E. Barngrover (323972)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028
Telephone: 614-220-5611
Fax: 614-627-8181
Attorneys for Creditor
The case attorney for this file is Karina
Velter.
Contact email is kvelter@manleydeas.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|-------------------------|---|-----------------------------|
| In re: | : | |
| | : | Case No.: 18-10217 |
| Richard Cressman | : | Chapter 13 |
| Debtor(s). | : | Judge Ashely M. Chan |
| | : | ***** |

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Objection to Debtor's Chapter 13 Plan was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500, Philadelphia, PA 19107

William C. Miller, Chapter 13 Trustee, Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA 19105

Zachary Perlick, Attorney for Richard Cressman, 1420 Walnut Street, Suite 718, Philadelphia, PA 19102, Perlick@verizon.net

The below listed parties were served via regular U.S. Mail, postage prepaid, on February 7, 2018:

Richard Cressman and Phyllis A. Cressman, 1400 Fels Road, Quakertown, PA 18951

DATE: 2/7/18

/s/ Karina Velter
Karina Velter, Esquire (94781)
Kimberly A. Bonner (89705)
Adam B. Hall (323867)
Sarah E. Barnegrover (323972)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028
Telephone: 614-220-5611
Fax: 614-627-8181
Attorneys for Creditor
The case attorney for this file is Karina
Velter.
Contact email is kvelter@manleydeas.com